

**MINUTES OF THE MEETING OF THE
ROWAN COUNTY BOARD OF COMMISSIONERS**

April 21, 2014 – 6:00 PM

J. NEWTON COHEN, SR. ROOM

J. NEWTON COHEN, SR. ROWAN COUNTY ADMINISTRATION BUILDING
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Present: Jim Sides, Chairman
Craig Pierce, Vice-Chairman
Jon Barber, Member
Mike Caskey, Member
Chad Mitchell, Member

County Manager Gary Page, County Attorney Jay Dees, Administrative Secretary Peggy Price and Finance Director Leslie Heidrick were present. Clerk to the Board Carolyn Barger was absent.

Chairman Sides convened the meeting at 6:00 p.m.

Commissioner Caskey provided the Invocation and also led the Pledge of Allegiance.

CONSIDER ADDITIONS TO THE AGENDA

Commissioner Pierce moved to add an item to Closed Session for Attorney-Client Privileged Communication. Commissioner Caskey seconded and the motion passed unanimously.

CONSIDER DELETIONS FROM THE AGENDA

There were no deletions from the agenda.

CONSIDER APPROVAL OF THE AGENDA

Commissioner Barber moved, Commissioner Pierce seconded and the vote to approve the agenda passed unanimously.

CONSIDER APPROVAL OF THE MINUTES

Commissioner Barber moved, Commissioner Pierce seconded and the vote to approve the minutes of the April 7, 2014 Commission Meeting passed unanimously.

1. CONSIDER APPROVAL OF CONSENT AGENDA

Commissioner Barber moved approval of the Consent Agenda. The motion was seconded by Commissioner Pierce and passed unanimously.

The Consent Agenda consisted of the following:

- A. Bulletproof Vest Partnership Grant
- B. Rowan County Local Coordinated Transportation Plan
- C. White Goods Management Plan Update 2014
- D. Emergency Management Training Grant Award
- E. Proclamation for Emergency Medical Services Week

***WHEREAS**, emergency medical services is a vital public service; and*

***WHEREAS**, the members of our local emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and*

***WHEREAS**, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and*

***WHEREAS**, emergency medical services providers have traditionally served as the safety net of America's health care system; and*

***WHEREAS**, locally our emergency medical services system consist of emergency physicians, emergency nurses, emergency medical technicians, paramedics, firefighters, educators, administrators, and others; and*

***WHEREAS**, approximately two-thirds of all emergency medical services providers in the nation are volunteers; and*

***WHEREAS**, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and*

***WHEREAS**, citizens of Rowan County and its municipalities benefit daily from the knowledge and skills of these highly trained individuals; and*

***WHEREAS**, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating **Emergency Medical Services Week**; and*

***WHEREAS**, injury prevention and the appropriate use of the EMS system will help reduce national health care costs; and*

***NOW, THEREFORE BE IT RESOLVED** that the Rowan County Board of Commissioners, in recognition of this event do hereby proclaim the week of May 18-24, 2014 as **EMERGENCY MEDICAL SERVICES WEEK** and encourages the community to observe this week with appropriate programs, ceremonies and activities.*

F. City of Salisbury Sidewalk Easement Purchase

G. Appointment of Joint Planning Committee With Rowan County Board of Commissioners and Rowan-Salisbury Board of Education

2. PUBLIC COMMENT PERIOD

Chairman Sides opened the Public Comment Period to entertain comments from any citizens wishing to address the Board. The following individuals came forward:

- Louis Bodak questioned the Board regarding expenditures at the Airport.
- Eric Phillips commented on a post on Facebook.
- Heather Teeter spoke in favor of teacher supplements and pay raises.
- Sharon Earnhardt spoke on poverty in Rowan County and the lack of good paying jobs.
- Deborah Krueger spoke concerning Animal Control, animal rescue groups, and steps being taken to improve animal shelter conditions.
- Anthony Bare expressed concerns with what he stated was a tractor trailer illegally park in a right of way in his neighborhood.
- William Luke Hamaty encouraged all elected officials to work together for good government. Mr. Hamaty concluded his comments with prayer.
- Barbara Burgess spoke in opposition to the initial purchase of the former Salisbury Mall and questioned the steps being taken for the former Mall to become financially viable.
- Leslie Birch spoke on classroom needs for children in the school system and meeting those needs.
- Mike Martelli spoke concerning special interest groups and the need for elected officials to listen to everyone, not just a few.
- Larry Wright expressed his displeasure concerning several recent incidents where citizens were photographed when leaving political meetings.

With no one else wishing to address the Board, Chairman Sides closed the Public Comment Period.

3. PUBLIC HEARING FOR Z 02-14

Planning and Development Director Ed Muire reported that Romas H. Shoaf, III and wife, Jennifer H. Shoaf, were requesting the zoning designation for approximately 2.15 acres of Tax Parcel 311-113 located at 6336 US 601 Highway be changed from Rural Residential (RR) to Commercial, Business, Industrial (CBI).

Mr. Muire used a power point presentation to highlight the Zoning Criteria contained in the staff report.

Shoaf Machine Shop, Inc. performs a variety of fabrication and metalworking and began operating at the site in July 1997. Primarily manufacturing ATV related components, and tooling for area industries, the shop employs ten (10) people on first shift and three (3) part-time on second shift on an as needed basis.

Mr. Muire said in September 1998, Romas H. Shoaf, Jr. submitted a rezoning petition for Tax Parcel 311-014 requesting a change from RR to CBI. Initial countywide zoning became effective February 16, 1998 and the affected parcel was zoned CBI and RR. The CBI portion encompassed the operational area of Shoaf's Wagon Wheel Barn Dance and the remainder as RR. The Z09-98 petition was not processed because Staff's opinion at the time regarded future expansions on the property as eligible under the nonconforming situations provision of the zoning ordinance. Subsequent ordinance amendments coupled with subdivision of property in 2001 eliminated the ability for expansions to existing or new structures based on Shoaf Machine's nonconforming status.

Mr. Muire said given the site was contiguous to an existing CBI district, no statement of reasonableness was required. However, a statement of consistency was necessary and should reflect the relationship between the request and any applicable plans prior to rendering a decision to approve or deny the request.

On March 24, 2014 the Planning Board modified the applicant's initial request for rezoning the entirety of the parcel. The modification was agreeable to both the applicant and an adjoining homeowner that spoke during the courtesy hearing. The Planning Board voted unanimously to recommend approval based on this statement:

Statement of Consistency for Z 02-14

1. Both property owners' interests are being met
2. The visual buffer on the property will be maintained
3. Applicant's desire to replace a building lost due to snow damage
4. Property is contiguous with the CBI district
5. No sign of impact on state roads or utilities

Mr. Muire said "straight" rezoning or requests to change to a stand alone district without benefit of parallel conditional use district for site plan review and approval have traditionally met with hesitancy or resistance. In this particular case, the existing business/light industrial use occupying the site is not proposing to expand, but rather the Z 02-14 request is based on the desire to replace a pole building lost due to snow loading with a more substantial structure. The new structure would be primarily used for personal storage but would be designed to meet commercial building code standards since a residence is not located on the property. In this regard, the rezoning would benefit the use/occupancy of the building and site for continued commercial activity.

Chairman Sides opened the public hearing to receive citizen input regarding Z 02-14. With no one wishing to address the Board, Chairman Sides closed the public hearing.

Commissioner Barber moved approval of the Statement of Consistency as recommended by the Planning Board. The motion was seconded by Commissioner Mitchell and passed unanimously.

Commissioner Barber moved, Commissioner Mitchell seconded and the vote to approve Z 02-14 passed unanimously.

4. PUBLIC HEARING FOR ZTA & STA 01-14

Senior Planner Shane Stewart stated that ZTA and STA 01-14 proposed multiple changes to the Zoning and Subdivision Ordinances resulting from recent changes to the North Carolina General Statutes and other miscellaneous changes proposed by Planning Staff to address ordinance consistency.

Mr. Stewart highlighted the proposed changes and stated that a Statement of Consistency was necessary to address the relationship between the request and any applicable county-adopted plans prior to making a decision to approve or deny the request.

Mr. Stewart reported that Committee B of the Planning Board voted unanimously, as did the Planning Board, to recommend approval of the proposed amendments.

Chairman Sides opened the public hearing to receive citizen input regarding ZTA and STA 01-14.

With no one wishing to address the Board, Chairman Sides closed the public hearing.

Commissioner Mitchell moved, Commissioner Barber seconded and the vote to adopt the Statement of Consistency as recommended by the Planning Board passed unanimously.

The Statement of Consistency was as follows: The request is an attempt to change the text to get into compliance with the new state statutes.

Commissioner Mitchell moved approval of ZTA and STA 01-14. The motion was seconded by Commissioner Barber and carried unanimously.

The text amendments were as follows:

Chapter 21: ZONING ORDINANCE

Article III. **Site Plans**, Special Requirements, Conditional Use Permits and Parallel Conditional Use Districts

Article XIII. Appeals, Variances and Interpretations

Sec. 21-331. Appeals.

Sec. 21-332. Variances.

~~Sec. 21-333. Variances from setback requirements.~~

Sec. 21-~~334~~ **333**. Recordation of variances and conditions.

Sec. 21-~~335~~ **334**. Interpretations.

Sec. 21-~~336~~ **335**. Variance from watershed overlay.
~~Sec. 21-337. ZBA action.~~
Sec. 21-~~338~~. **336** Judicial review of ZBA decisions.
Secs. 21-~~339~~ **337**--21-360. Reserved.

Sec. 21-4. Definitions.

Automobile salvage yard means any establishment selling wrecked, scrapped, ruined or dismantled motor vehicles or motor vehicle parts; any establishment or place of business upon which six (6) or more unlicensed, used motor vehicles which cannot be operated under their own power are kept or stored for a period of fifteen (15) days or more unless otherwise specified by this chapter. Automobile **salvage** yard shall also mean "motor vehicle parts, used" (SIC 5015).

Built-upon area means that portion of a development project that is covered by impervious or partially impervious cover, including buildings, pavement, ~~gravel areas (e.g. roads, parking lots, paths),~~ recreation facilities (e.g. tennis courts), etc. (Note: Wooded slatted decks and the water area of a swimming pool are considered pervious).

*Child day **Family child** care home* means any **child day** care program or child care arrangement wherein any person provides **day child** care on a regular basis at least once per week for more than four (4) hours per day for ~~more than two (2)~~ **five (5) or fewer preschool-age children and / or three (3) or fewer school-age** children under thirteen (13) years of age ~~and fewer than six (6) children at any one (1) time,~~ wherever operated, and whether or not operated for profit **as defined by G.S. 110-86. The provider's own preschool-age children are included in the capacity totals but their school-age children are not.** The four-hour limit applies regardless of the time of day and regardless of whether the same or different children attend. Cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment are not included.

Cluster development shall refer to residential clustering ~~or multi-tenant development~~ for the purposes of this chapter.

Community water system means a public water supply approved by the state department of environmental, health, and natural resources, public water supply branch, that serves at least fifteen (15) service connections **used by year-round residents** or regularly serves at least twenty-five (25) year round residents which is owned and operated by a privately owned for profit or nonprofit licensed water supply firm or corporation or a private individual.

*Day care facility **Child care center*** means any ~~child day care center or~~ child care arrangement which provides **day child** care for ~~more than five (5)~~ **between three (3) and twelve (12) preschool-age** children, **in a residence or three (3) or more children in a building other than a residence** ~~not including the operator's own school-aged children, under the age of thirteen (13) years,~~ on a regular basis of at least once per week for more than four (4) hours but less than twenty-four (24) hours per day, regardless of the time of day and regardless of whether the same or different children attend **as defined by G.S. 110-86.** The following are not included: public schools; non-public schools whether or not accredited by the state department of public instruction, which regularly and exclusively provide a course of grade school instruction to children who are ~~of public school age;~~ **specialized activities such as athletics, dance, music lessons, or Boy Scouts; summer day camps that operate less than four (4) consecutive months and do not participate in the child care subsidy program;** summer camps having children in full-time residence; bible schools conducted during vacation periods; facilities licensed under G.S. Ch. 122C, Art. 2; and cooperative arrangements among parents to provide care for their own children as a convenience rather than for employment.

Farm, bona fide means any lot or tract of land larger than ten (10) acres and otherwise eligible for tax deferral as authorized in G.S. 105-277.1 et. seq. Any lot or tract of land on which agricultural activities are clearly a primary activity may also be considered as a bona fide farm upon determination by the zoning administrator. Under no circumstances will any parcel smaller than five (5) acres be considered either an agricultural lot or tract or a bona fide farm. The general criteria used will be as follows:

- (1) ~~Agricultural land: Ten (10) acres or more in individual ownership, having one thousand dollars (\$1,000.00) annual sales for agricultural products produced from the land for three (3) consecutive years.~~
- (2) ~~Horticultural land: Five (5) acres or more in individual ownership having one thousand dollars (\$1,000.00) annual sales for Christmas trees or other horticultural products for three (3) consecutive years.~~

~~(3) Forest land: Twenty (20) acres or more in individual ownership in actual production of forest products.~~

Farm, bona fide means the production and activities relating or incidental to the production of crops, fruits, vegetables, ornamental and flowering plants, dairy, livestock, poultry, and all other forms of agriculture as defined in G.S. 106-581.1 subject to G.S. 153A-340 (b).

~~Ground sign means a sign free-standing sign with its base or its supports mounted directly to the ground.~~

~~Lot of record. See term (see also "existing lot".) means a lot which is part of a subdivision, a plat of which has been recorded in the office of the register of deeds of the county, or a lot described by metes and bounds, the description of which has been so recorded prior to the adoption of this chapter.~~

Modular home means sectional dwelling unit consisting of two (2) or more **units modules or sections** which are factory fabricated and transported to the home site where they are put on a permanent foundation and joined to make a single-family **house dwelling**. All such modular homes shall meet all single-family dwelling requirements of the state Uniform Residential Building Code.

~~Multi-unit tenant development means a tract of land under common control planned and developed as an integral unit in a single development or planned phases of development. This type of development shall consist of two (2) or more allowed uses sharing common walls. This type of development typically has a unified or coordinated design of buildings and a coordinated organization of service areas and common open space area. "Multiunit development" shall also include multifamily development.~~

Nonconforming manufactured home park means a manufactured home park that on the effective date of this chapter or the date of any subsequent amendment thereto, does not conform to one or more regulations set forth **in this chapter in the county mobile home park ordinance.**

Plan, site means a **plan which demonstrates the proposed use of land and / or structure(s) on a specific parcel(s) will comply with the specifications set forth in this chapter. A site plan may be necessary** submittal required for the review of proposed installation of improvements and construction, **as well as changes of use, and for zoning approval.**

~~Plan, sketch means a submittal required for consideration of conditional use permit.~~

~~Pylon sign means a ground-mounted sign attached to one (1) or more posts, whose base is greater than twenty-four (24) inches above grade.~~

~~Sign, freestanding means a sign supported by a sign structure placed in or upon the ground which is independent of any other object for support.~~

~~Sign, portable means a sign which is easily transportable and installable on various locations at different times. The method of transport may include, but is not limited to towing behind a motor vehicle, carrying in a motor vehicle, or physically carrying the sign.~~

Single-family dwelling means a detached dwelling unit constructed on-site (site built) or in modules or sections joined together on-site (modular) in compliance with the North Carolina State Building Code and designed for or occupied by one family.

~~Single-family residential means any development where:~~

- ~~(1) No building contains more than one (1) dwelling unit;~~
- ~~(2) Every dwelling unit is on a separate lot; and~~
- ~~(3) Where no lot contains more than one (1) dwelling unit.~~

Yard, front means an open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street and the front line of the building, projected to the side lines of the lot. **For the purposes of determining required setbacks, "street" shall include all ingress / egress easements and right-of-ways.**

Yard, side street means an open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and situated between the street and the side line of the building, projected to the front and rear lines of the lot. **For the purposes of determining required setbacks, "street" shall include all ingress / egress easements and right-of-ways.**

Zoning permit means a permit issued by the zoning administrator which authorizes the **right to undertake and complete the development and / or use of property under the terms and conditions of such permit provided that such action is commenced within one (1) year of the date of issuance and provided that all other permits are obtained.** ~~recipient to make use of property in accordance with the requirements of this chapter. A zoning permit has a vested right of one (1) year from date of issuance.~~

(Ord. of 1-19-98, § II; Ord. of 2-1-99(1); Ord. of 10-18-99(1); Ord. of 1-15-01; Ord. of 5-21-01(1); Ord. of 5-21-01(2); Ord. of 11-19-01(1); Ord. of 11-19-01(2); Ord. of 12-3-01; Ord. of 3-18-02(2); Ord. of 5-19-03; Ord. of 8-16-04; Ord. of 10-4-04; Ord. of 10-18-04; Ord. of 11-15-04; Amend. of 3-7-05; Amend. of 7-1-05; Amend. of 2-20-06(1); Amend. of 8-20-07; Amend. of 4-21-08; Amend. of 11-2-09; Amend. of 10-4-10; Amend. of 9-6-11; Amend. of 3-5-12; Amend. of 1-22-13; Amend. of 3-4-13)

Sec. 21-11. Zoning vested rights.

- (a) Pursuant to G.S. 153A-344.1 ~~(vesting rights)~~, a vested right to undertake and complete the development and use of property under the **documented terms, any associated and conditions,** ~~and as approved shall be established with respect to any property upon approval of required~~ site plans **may be established and associated conditions** for any one (1) of the following:

- (1) Site plan approval by the board of commissioners; ~~or~~
- (2) Conditional **or special** use permits; ~~or~~

(3) Multi-family or multi-unit development plans.

- (b) The approved plans and associated conditions for these districts constitute, for purposes of G.S. 153A-344.1 (site specific development plans). A right which has been vested as provided in this section shall remain vested for a period of ~~from~~ two (2) to five (5) years as determined by the board of commissioners. Approval of a vested right pursuant to this section shall require a public hearing as provided in G.S. 153A-344.1 **subject to public notice requirements from section 21-315 (1) a - c**. The approving authority in its sound discretion may establish a vesting period exceeding the two-year minimum, where the petitioner shows that extending the period is warranted by relevant circumstances, including but not limited to the size and phasing of the development or the level of investment. The need for the development modifications or amendments to a plan do not extend the vesting period unless expressly provided by the appropriate board when making the amendment. A vested right obtained under this section is not a personal right, but shall attach to and run with the subject property. The vested right shall terminate at the end of the applicable vesting period with respect to buildings and uses for which no valid building permit applications have been filed.

(Ord. of 1-19-98, § I)

Sec. 21-16. Adoption.

Duly adopted by the Rowan County Board of Commissioners of Rowan County, North Carolina the nineteenth day of January 1998, ~~and amended subsequent amendments as of the fifteenth day of January, 2004.~~

(Amend. of 3-7-05)

Sec. 21-32. General zoning districts defined; purpose and intent.

- (d) *Multifamily Residential, MFR*. This district is intended to allow for a wide range of residential uses and will be the primary location for multifamily development. This district will typically be located near arterials or collectors. The development of multifamily developments within this district cannot be predetermined and cannot be adequately controlled by general district standards. Therefore specific development proposals for multifamily developments in this district shall be reviewed and approved by the board of commissioners. Approval of the site plan may include the addition of ~~fair~~ **and reasonable and appropriate** standards to the site plan. No other uses allowed in the MFR district shall require site plan approval by the board of commissioners unless expressly required by this chapter. Additional approval standards for multifamily residential developments are listed in article III. The requirements of this district shall not apply to duplexes on individual lots but shall apply to multiple duplexes on an individual lot.

(e) *Manufactured Home Park, MHP.*

- (1) This district is established in order to provide for the proper location and planning of manufactured home parks, excluding family manufactured home parks. Special requirements shall be applied to these parks which shall specify improvements to the park to ensure the public health, safety and welfare of the park inhabitants as well as the surrounding area. Designation of an area as being in the MHP district provides design and appearance criteria which are more appropriate for rental manufactured housing and/or spaces, including vinyl or similar skirting, clustering of units and reduced road construction standards. These standards are not applicable to manufactured homes and/or lots located outside a MHP district. This district requires site plan review for development of manufactured home parks by the board of commissioners. This review is required because the use may have particular impacts on the surrounding area and the county as a whole. Approval of the site plan may include the addition of **fair and reasonable and appropriate** standards to the site plan. No other uses allowed in the MHP district shall require site plan approval by the board of commissioner unless expressly required by this chapter.

(Ord. of 1-19-98, § III; Ord. of 2-1-99(1), §§ 2, 9; Ord. of 6-17-02; Ord. of 4-21-03)

Sec. 21-33. Overlay districts.

- (2) *Water Supply Watershed Overlays, WSO.* The purpose of the watershed overlay is to provide for the protection of public water supplies as required by the Water Supply Watershed Classification and Protection Act (G.S. 143-214.5) and regulations promulgated ~~thereunder~~ **therein**. The watershed overlays may be an overlay in any conventional or conditional district established in this chapter. The overlay districts supplement the uses or development requirements of the underlying zoning districts.

e. Special nonresidential intensity allocation (SNIA) permit.

1. *Purpose.* The purpose is to provide a method for the board of commissioners to allow ten (10) percent of the county's portion of the balance of watershed area (excluding a critical area) to be granted an SNIA permit to be developed at up to seventy (70) percent built-upon surface area.
2. *Application and review procedures.* Applications shall include a site plan as prescribed in section 21-52.
3. *Review and approval.* The site plan shall be reviewed by the board of commissioners. Approval of the plan may include the addition of **fair and reasonable and appropriate** conditions.
4. *Applicable areas.* Areas in which SNIA permits may be approved are as follows:
 - i. WS-II-BW.
 - ii. WS-III-BW.
 - iii. WS-IV-PA.
5. *Eligibility for an SNIA permit.* ~~Development is eligible for an SNIA permit as provided in this subsection.~~ **Non-residential uses subject to compliance with section 21-113 shall be eligible unless otherwise indicated in this chapter.**
 - i. ~~Development in non-residential zoning districts; or~~
 - ii. ~~Development areas zoned RA are eligible for consideration for an SNIA permit if the building does not exceed the size allowed for that use in the RA district but associated impervious surface exceeds allowed percentage of lot coverage.~~

- (4) *Manufactured Home Overlay, MHO.*

- e. *Development standards.* The following standards shall apply for the location of type II and type III manufactured homes unless specifically provided otherwise in this chapter:

1. Location of type II and type III manufactured homes on subdivisions of one (1) **or more lots to twenty-nine (29) lots on or after June 8, 1999,** shall require establishment of an MHO zoning district.

(Ord. of 1-19-98, § III; Ord. of 6-7-99; Ord. of 12-18-00(2); Ord. of 10-4-04; Amend. of 11-2-09)

Sec. 21-34. Economic development districts established for I-85.

- (c) The district are labeled as 85-ED 1 through 4. "85" represents the relationship to I-85. "ED" represents the economic development designation for the sites.

- (6) *Other zoning criteria.* Notwithstanding limits on reduction of setbacks in article XIII of this chapter, all standards are subject to modification in site plan approval process. However, in no situation shall the required buffer from project perimeter be reduced if adjacent to a residentially zoned area.

- I. *Loading, maintenance and outdoor storage areas.* All loading, maintenance and outdoor storage areas shall be located to the rear or side of the building, but shall not face a side street **unless approved as such during the PUD process.**

(Ord. of 12-18-00(2); Amend. of 3-7-05; Amend. of 11-2-09; Amend. of 9-6-11; Amend. of 3-4-13; Amend. of 8-19-13)

ARTICLE III. **SITE PLANS,** SPECIAL REQUIREMENTS, CONDITIONAL USE PERMITS AND PARALLEL CONDITIONAL USE DISTRICTS

Sec. 21-52. Site plan required.

~~Site plans as required by this chapter shall contain the following information unless otherwise specified:~~

Site plans are necessary to demonstrate the proposed use of land and / or structures will comply with the specifications set forth in this chapter prior to the issuance of a zoning permit. All non-residential uses shall submit a site plan containing the following information in addition to other standards required by this chapter:

- (1) Zone lot with dimensions **and development setbacks**;
- (2) Tax parcel number;
- (3) Property address;
- (4) Adjoining deeded properties and their uses;
- (5) Existing structures;
- (6) Proposed structure with size;
- (7) Proposed use;
- (8) Number of employees, if applicable;
- (9) Hours of operation, if applicable;
- (10) Off-street parking, loading and unloading, access to existing streets;
- (11) Easements and rights-of-way;
- (12) All pertinent development requirements of this chapter;
- (13) Any additional information required by the zoning administrator to assess the merits of the application, including but not limited to traffic impact analysis, environmental impact statements;
- (14) Floodplains;

- (15) Name, location and dimension of any proposed streets, drainage facilities, parking areas, recreation areas, required yards, required turnarounds as applicable;
- (16) **Screening & Buffering, if applicable;**
- ~~(16)~~ **(17) Zoning District;**
- ~~(17)~~ **(18)** Proposed phasing, if applicable;
- (19)** This required site plan shall be in sufficient detail to allow the zoning administrator to reasonably understand the proposed development. The scale shall be one (1) inch equals one hundred (100) feet or greater for zone lots three (3) acres or less in size, or one (1) inch equals two hundred (200) feet for zone lots more than three (3) acres in size.

(Ord. of 1-19-98, § IV)

Sec. 21-53. Permitted uses with special requirements.

All uses listed as SR (Special Requirements) in article III shall comply with the pertinent regulations listed in the following subsections. Site plan approval by the zoning administrator shall be required unless expressly provided otherwise prior to issuance of a zoning permit and such approval shall be given if all requirements herein are met. The plan shall become part of the building permit. The regulations for specific uses listed as SR in article III are located in sections 21-54--21-56.

The SR location standards required in Section 21-55(2) a.- c. do not apply to **Family care home; Family manufactured home park;** Common Sand Mining (SIC 1442); Co-location of wireless facilities, eligible facilities requests, alternative tower structures, and public safety tower (SIC 48 pt); and Ground mounted solar energy systems 6,000 sq ft or less (SIC 491 pt).

Sec. 21-54. Maximum building size and setback requirements for certain uses listed as SR in the Rural Agricultural District.

(1) *Applicable uses.* The requirements of this section apply to the following:

- f. All services uses listed as SR except ~~swimming pools, membership and non-membership, and~~ recreation facilities, membership and non-membership.

(Ord. of 1-19-98, § IV)

Sec. 21-56. Specific criteria for uses listed as SR in section 21-113.

Uses listed as SR in section 21-113 shall meet the following requirements expressly provided below.

(1) *Additional standards applicable to specific uses listed as SR in the residential group.*

- c. *Family manufactured home park.*
 - 1. *Application.* **The proposed park must be located on a lot of record existing prior to June 8, 1999.** An application and ~~sketch site plan; provided by the administrator,~~ shall be completed by the applicant. **Applications that do not meet the standards of this subsection may be considered under the family subdivision provisions of the Subdivision Ordinance.**
 - 2. *Setbacks within park.* Setbacks for spaces within parks, measured from edge of applicable street or property line:
 - Front 20 feet
 - Side 15 feet
 - Rear 20 feet
 - 3. *Setbacks from external property lines.* Setbacks for manufactured homes from adjacent property lines and rights-of-ways are fifty (50) feet.
 - 4. *Occupancy of homes.* Manufactured homes shall be occupied by members of the immediate family of the property owner.

5. *Number of units in park.* The maximum number of **manufactured homes allowed under this subsection is as follows. are subject to the lesser of the density standards in section 21-84 or the following:**

- i. No more than three (3) manufactured homes are allowed in a family manufactured home park in the RA district.
- ii. No more than two (2) manufactured homes are allowed in a family manufactured home park in the RR district.

Single-family dwellings existing prior to the family manufactured home park application shall be included toward the number of homes permitted under this subsection.

6. *Type of manufactured homes allowed.* The manufactured homes shall meet **all the placement** criteria for manufactured homes in **the district in which the family manufactured home park is located section 21-284 (1); except and the skirting requirements of subsection 21-276(b) shall apply. While single-family dwellings are not eligible as new dwelling units under this provision, their existence prior to a family manufactured home park application would not preclude the application from consideration.**

~~g. Multi-unit and multifamily developments.~~

- ~~1. Application.~~ An application shall be provided with:

- ~~i. Site plan as provided in section 21-52; and~~
- ~~ii. Development name, name(s) and address(es) of owners and park designers.~~

- ~~2. Board of commissioners review of the development proposal.~~ The board of commissioners shall review the site plan and other pertinent information to ensure that the general health, safety and public welfare have been adequately protected. In approving the plan the following criteria must be met:

- ~~i. Adequate transportation access to the site exists; and~~
- ~~ii. The use will not significantly detract from the character of the surrounding area; and~~
- ~~iii. Hazardous safety conditions will not result; and~~
- ~~iv. The use will not generate significant noise, odor, glare, or dust; and~~
- ~~v. Excessive traffic or parking problems will not result; and~~
- ~~vi. The use will not create significant visual impacts for adjoining properties or passersby.~~

- ~~3. Modification of dimensional requirements.~~ Notwithstanding other provisions of this chapter the board of commissioners may approve a site plan as provided herein with the following modification of dimensional criteria provided in article IV:

- ~~i. Subdivision of lots may be allowed as provided by section 22-58 of the county subdivision ordinance for a planned unit development (PUD) contingent on approval of the PUD by the county planning board.~~
- ~~ii. The maximum number of lots allowed is as follows:~~

~~Public water and sewer: Twelve (12).~~

~~Public or community water or public sewer or approved package treatment plant: Eight (8).~~

~~Individual or multi connection well & individual septic tank:
Three (3).~~

~~iii. Normal development standards pertaining to yard requirements may be modified or exempted entirely.~~

- (6) *Additional standards applicable to specific uses listed as SR in the transportation, communication, electric, gas and sanitary services group.*

b. *Dead storage of manufactured homes.*

5. Manufactured homes shall not be kept in dead storage for more than sixty (60) days in accordance with **Sec. chapter 14.5 section -5-34** of the Nuisance Ordinance.

c. Ground mounted solar energy systems 6,000 sq.ft. or less (SIC 491 pt.). For the purposes of this subsection, the requirements of Sec. 21-54, 55, & 65 do not apply for RA **or NB** zoned properties.

1. Size and Setbacks. Solar collectors shall conform to the lesser of 6,000 sq.ft. or 10% of the lot size and maintain a ten (10) foot setback from all property lines.

- (8) *Additional standards applicable to specific uses listed as SR in the services group.*

b. ~~Swimming pools, membership and nonmembership recreation~~ **Recreational facilities, membership and nonmembership.**

1. *Required licenses and permits.* The applicant shall provide a copy of all required licenses and permits prior to issuance of a zoning permit.

2. ~~Reserved~~ **Recreational facilities located within a major subdivision used exclusively by resident members and their guests in the RA, RR, and RS districts are exempt from the locational requirements of Section 21-55 (2).**

- (9) *Additional standards applicable to specific uses listed as SR in the unclassified uses group.*

a. *Multitenant developments.*

1. *Application.* An application shall be provided with:

i. Site plan as provided in section 21-~~32~~ **52**; and

(Ord. of 1-19-98, § IV; Ord. of 2-1-99(1), §§ 6, 7; Ord. of 10-18-99(1); Ord. of 4-21-03; Amend. of 2-20-06(1); Amend. of 4-21-08; Amend. of 11-2-09; Amend. of 9-6-11; Amend. of 3-5-12; Amend. of 3-4-13; Amend. of 8-19-13)

Sec. 21-58. Review procedures.

- (b) *Conditional use review.* Planning staff shall prepare and present a report on the application to the board(s) reviewing the application. The board shall evaluate the application with reference to applicable conditions contained in this section as well as general criteria contained in this chapter. When deciding conditional use permits, the board of commissioners shall follow quasi-judicial procedures. The board of commissioners may impose ~~fair and~~ reasonable **and appropriate** conditions upon the conditional use permit that support the findings found in this article.

- (g) *Action.* Following the required review, the board shall take final action on each conditional use permit request. After the required public hearing is closed, the board shall take one (1) of the following actions:

- (1) Approve the issuance of the permit as requested;
- (2) Approve the issuance of the permit, with additional conditions;
- (3) Continue the request; or
- (4) Deny the request for the permit.

In accordance with **See section 21-11**, an approved conditional use permit secures a vested right to undertake a project for two (2) years unless a longer duration is requested by the applicant and approved by the Board of Commissioners. **See section 21-315 for additional procedures.** ~~In all hearings the board shall include in its minutes a summary of the evidence supporting its findings and action on the application. Each decision is subject to review by the superior court by proceedings in the nature of certiorari consistent with G.S. 135A-345. Any petition for review by superior court shall be filed within thirty (30) days after the decision of the Board of Commissioners filed in the offices of the county manager.~~

- (h) *Notification of decision.* ~~Within five (5) working days of any action on the conditional use permit request, notice of such action shall be sent by first class mail to the applicant and any other persons who have indicated to the administrator in writing, that they would like the decision mailed to them.~~ **Notifications shall be delivered in accordance with section 21-315.**

(Ord. of 1-19-98, § IV; Ord. of 10-18-04; Amend. of 3-7-05; Amend. of 2-20-06(1); Amend. of 11-2-09; Amend. of 10-4-10; Amend. of 3-5-12)

Sec. 21-60. Conditional use requirements for specific uses.

- (8) *Unclassified uses: Adult uses.*

- f. If approved for a conditional use permit, an application and a nonrefundable fee must be presented to the zoning administrator to obtain an adult use license. At a minimum, the application shall include the following:
1. Sufficient evidence to determine compliance with applicable portions of subsection ~~of 21-60(7 8)~~.

- (13) *Specific conditional use criteria for off-premises signs.*

- a. Separation of off-premises signs shall be one thousand (1,000) feet per road side as measured parallel to the road travelway. The road side is considered to consist of one (1) side of the road. Only one (1) sign per one thousand (1,000) feet shall be allowed per roadside. This standard shall apply to all roads, except signs ~~regulated~~ **exempted** in sections ~~21-182 and 21-183 of article VIII.~~ **21-181.**
- b. Location of off-premises signs, excluding those ~~regulated~~ **exempted** in ~~article XIII sections 21-135 (g) and 181.~~ **Signs,** shall be limited to the CBI and IND zoning districts. In addition the property shall meet the following standards:

- (15) *Residential clustering.*

- a. *Purpose.* The purpose is to encourage innovative development by allowing variations from normal regulations pertaining to ~~lot size and yard requirements~~ **dimensional criteria provided in article IV.** In addition to the requirements of this subsection, approval of cluster subdivisions shall require approval as required by the ~~county~~ subdivision ordinance.
- b. *Development standards.* Proposed residential clustering shall contain ~~no less than a minimum of~~ four (4) dwelling units **on a total area of two (2) or more acres.**

- (16) *Multi-family developments.*

- a. *Application.* An application shall be provided with:

1. Site plan as provided in section 21-52; and
2. Development name and name(s) and address(es) of owners and designers.

- b. *Density.* The maximum number of units allowed is as follows:

Public water and sewer: Twelve (12).

Public or community water or public sewer or approved package treatment

plant: Eight (8).

Individual or multi connection well & individual septic tank: Three (3).

c. *Modification of dimensional requirements.* Notwithstanding other provisions of this chapter, the Board Commissioners may approve a site plan as provided herein which modifies the dimensional criteria from Article IV. Additionally, the subdivision of lots may be allowed as provided by chapter 22 section 58 of the Subdivision Ordinance for a planned unit development (PUD).

(Ord. of 1-19-98, § IV; Ord. of 7-12-99; Ord. of 10-18-99(2), § 2; Ord. of 1-15-01; Ord. of 7-9-01; Ord. of 3-18-02(2); Ord. of 8-19-02(2); Ord. of 5-19-03; Ord. of 8-16-04; Ord. of 9-20-04; Ord. of 11-15-04; Amend. of 3-7-05; Amend. 7-1-05; Amend. of 8-20-07; Amend. of 4-21-08; Amend. of 11-2-09; Amend. of 10-4-10; Amend. of 9-6-11; Amend. of 3-5-12; Amend. of 3-5-12; Amend. of 1-22-13; Amend. of 3-4-13; Amend. of 8-19-13)

ARTICLE IV. DIMENSIONAL CRITERIA

Sec. 21-81. Dimensional requirements; general.

Requirements for lot area, width, depth, and frontage, front, side and rear yard shall be provided in section 21-84, unless **modified by the Board of Commissioners through residential clustering, multi-family developments subject to section 21-60 (16), Planned Development Subdivisions subject to chapter 22 section 58 of the Subdivision Ordinance, or as** otherwise provided.

(Ord. of 1-19-98 § V; Amend. of 10-4-10)

Sec. 21-84. Table of dimensional requirements.

DISTRICTS	RA	RR	RS	MHP	MFR	CBI	NB	INST	IND
Minimum zone lot size⁽¹⁾⁽³⁾									
Septic tank and individual or multi-connection well	20,000 sq ft	20,000 sq ft	20,000 sq ft	6 acres	2 acre with 3 du/acre ⁽²⁾	N/A ⁽²⁾	20,000 sq ft	N/A	N/A
Minimum zone lot size⁽¹⁾⁽³⁾									
Public water or community water or Public sewer or approved package treatment plant	15,000 sq ft	15,000 sq ft	15,000 sq ft	6 acres	2 acre with 8 du/acre ⁽²⁾	N/A ⁽²⁾	15,000 sq ft	N/A	N/A
Minimum zone lot size⁽¹⁾⁽³⁾									
Public water and sewer	10,000 sq ft	10,000 sq ft	10,000 sq ft	6 acres	2 acre with 12 du/acre ⁽²⁾	N/A ⁽²⁾	10,000 sq ft	N/A	N/A
Minimum lot width at right-of-way	35 ft	35 ft	35 ft	35 ft	35 ft ⁽⁶⁾	35 ft	35 ft	35 ft	35 ft
Minimum lot width at Building setback line	70 ft	70 ft	70 ft	70 ft	70 ft ⁽⁶⁾	70 ft	50 ft	70 ft	70 ft

Minimum lot depth									
Without public water & sewer	150 ft	150 ft	150 ft	150 ft	150 ft ⁽⁶⁾	100 ft ⁽²⁾	100 ft ⁽²⁾	150 ft	150 ft
Public water and sewer	125 ft	125 ft	125 ft	125 ft	125 ft ⁽⁶⁾	100 ft	100 ft	125 ft	150 ft
Principal structure setback									
Front Yard ⁽⁴⁾	30 ft	30 ft	50 ft	50 ft	50 ft ⁽⁶⁾	50 ft ⁽²⁾	30 ft	30 ft	50 ft
Side street	20 ft	20 ft	25 ft	50 ft	50 ft ⁽⁶⁾	30 ft ⁽²⁾	20 ft	20 ft	30 ft
Side yard ⁽⁴⁾	10 ft	10 ft	10 ft	50 ft	50 ft ⁽⁶⁾	10 ft or 0 ft ⁽²⁾	10 ft or 0 ft ⁽⁷⁾	10 ft	10 ft or 0 ft
Rear yard ⁽⁴⁾	10 ft	10 ft	20 ft	50 ft	50 ft ⁽⁶⁾	10 ft or 0 ft ⁽²⁾	10 ft or 0 ft ⁽²⁾⁽⁷⁾	10 ft	10 ft or 0 ft
Accessory structure setback ⁽⁸⁾									
Front	30 ft	30 ft	50 ft	50 ft ⁽⁵⁾	50 ft ⁽⁶⁾	10 ft	10 ft	10 ft	10 ft
Any right-of-way	10 ft	10 ft	10 ft	30 ft ⁽⁵⁾	50 ft ⁽⁶⁾	10 ft	10 ft	10 ft	10 ft
Side and rear yard	10 ft	10 ft	10 ft	10 ft ⁽⁵⁾	10 ft ⁽⁶⁾	10 ft	10 ft	10 ft	10 ft

(1) May be increased based on location in regulated watershed.

(2) For single family use standards for RA district.

(3) For individual lot size/space standards in an MHP district refer to section 21-60(11)n.

(4) For individual space setbacks in an MHP district refer to section 21-60(11)d.

(5) From exterior property lines.

(6) Requirements may be modified or exempted for interior setbacks as provided by section 21-56(1)d. 21-60 (16). Dimensional criteria for subdivided lots shall be as provided for in the RA district, excluding external boundaries of the development.

(7) See "special requirements" for NB district for setbacks from residential zoning districts.

(8) Refer to section 21-285 for additional standards.

(Ord. of 1-19-98, § V; Ord. of 2-1-99(1), § 12; Ord. of 10-18-99(1); Ord. of 6-17-02; Amend. of 3-7-05; Amend. of 11-2-09; Amend. of 3-5-12; Amend. of 1-22-13)

Sec. 21-113. Table of uses.

P- Permitted by Right P(A) - Permitted as Accessory Use SR - Permitted with Special Requirements C- Conditional Use		Zoning Districts								
		Residential					Nonresidential			
Use		RA	RR	RS	MHP	MFR	CBI	NB	INST	IND
Residential										
	Duplexes, triplexes, quadruplexes, other multi-unit family developments					C				
Services										
75	Auto repair, services and parking	SR					P	SR		P
76	Misc repair services	SR					P	SR		P
7999	Swimming pools, membership & non-membership	SR	SR	SR			P	SR		
	Recreational facilities, membership & non-membership	SR	SR	SR			P	SR		
83	Social services, all except	SR					P	SR	P	P
8322	Individual and family social services						P		C	C
8351 (pt)	Family child care home	P	P	P	P	P	P	P		
8351 (pt)	Child care center in residence	P	P				P	P		
8351 (pt)	Child care center	SR					P	SR	P	
8361	Residential care						C		C	C
Unclassified										
	Multi-unit tenant developments						SR	SR		

(Ord. of 1-19-98, § VI; Ord. of 4-20-98; Ord. of 2-1-99(1), § 13; Ord. of 10-18-99(2), § 3; Ord. of 7-9-01; Ord. of 3-18-02(2); Ord. of 3-18-02(3); Ord. of 6-17-02; Ord. of 8-19-02(2); Ord. of 4-21-03; Ord. of 5-19-03; Ord. of 8-16-04; Amend. of 3-7-05; Amend. of 7-1-05; Amend. of 2-20-06(1); Amend. of 4-21-08; Amend. of 6-16-08; Amend. of 10-4-10; Amend. of 9-6-11; Amend. of 3-5-12; Amend. of 3-4-13; Amend. of 8-19-13)

Sec. 21-132. General provisions.

- (b) Unless otherwise specifically provided for in this article and subject to the restrictions and qualifications set forth in the remaining sections of this article, nonconforming situations that were otherwise lawful on the effective date of this article may be continued. Whenever this section refers to the effective date of this article, the reference shall be deemed to include as originally adopted, creates a nonconforming situation.

- (1) *Single lot of record with lot area and/or lot width nonconformity.*

- a. When an undeveloped lot has an area or width which does not conform to the dimensional requirements of the district where located, but such lot was approved and lot of record at the time of adoption of this article or any subsequent amendment which renders such lot nonconforming, then such lot may be used for a use permitted in the district where located, provided that the setback dimensions and other requirements, except area or width, are complied with. Notwithstanding the above standards, setbacks for nonconforming lots of record may be reduced as provided by section 21-~~333~~ 332 of this chapter.

Sec. 21-135. Extension, enlargement or replacement of a nonconforming use.

- (a) Except as provided for in subsections (b) through ~~(f)~~ (g), no nonconforming use shall be extended,

enlarged, or replaced.

- (b) Any single-family residential nonconforming use (which may be a manufactured home) or accessory structure associated with a residential use may be enlarged or replaced with a similar structure of the same size or of a larger size, so long as the enlargement or replacement does not create new nonconformities or project further into the required setback. Accessory structures permitted in accordance with Sec. 21-54 or as rural home occupations may only be extended, enlarged, or replaced subject to subsections (c) through (f).
- (c) Any other nonconforming use may be extended, enlarged, or replaced only upon the issuance of a special use permit if the county board of commissioners finds that, in completing the extension, enlargement, or replacement work:
 - (1) There is no increase in the operational area existing on the effective date of this ordinance;
 - (2) There is no greater nonconformity with respect to dimensional restrictions such as setback requirements, height limitations, or density requirements or other requirements such as parking, loading and landscaping requirements; and
 - (3) There is no significant adverse impact on surrounding properties or the public health or safety including but not limited to no increase in the level of noise, dust, odor, glare or other nuisances.

In issuing a special use permit, the board of commissioners may affix other reasonable and appropriate conditions such as, but not limited to, landscaping and buffering to separate dissimilar uses or to screen parking and loading areas. **The board may also establish a vesting period from two (2) to five (5) years subject to section 21-11.**

- (d) A nonconforming situation may be extended throughout any portion of a completed building that, when the use therein was made nonconforming by this article, was manifestly designed or arranged to accommodate such use. However, a nonconforming situation may not be extended to additional buildings or to land outside the original building unless specifically authorized in accordance with subsection (c). In addition, the level of noise, dirt, odor, glare or other nuisance shall not increase.
- (e) A nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming, except that a use that involves the removal of natural materials from the lot (e.g., a sand pit) may be expanded to the limits of the site plan upon which the mining permit was granted if such permit was obtained in compliance with all applicable laws and ordinances in effect at the time of approval.
- (f) The volume, intensity, or frequency of use of property where a nonconforming use exists may be increased and the equipment or processes used at a location where a nonconforming use exists may be changed if these or similar changes amount only to changes in the degree of activity rather than changes in kind or use and no violations of other sections of this article occur.

(g) The replacement or repair of any off-premise sign for which there is in effect a valid permit issued by NCDOT shall not be subject to the standards of this ordinance so long as the square footage of its advertising surface area is not increased as specified in G.S. 136-131.2. As used in this section, reconstruction includes the changing of an existing multi-pole sign structure to a new monopole structure.

(Ord. of 11-19-01(2); Amend. of 9-6-11)

Sec. 21-136. Repairing damaged nonconforming structures.

- (a) *Conditions for repair of damaged nonconforming uses.* Repair or rebuilding such nonconforming structures shall be subject to the following conditions:

(4) Off-premise signs may be repaired or replaced subject to section 21-135 (g) or this subsection.

(Ord. of 11-19-01(2); Amend. of 9-6-11)

Sec. 21-166. Table of parking requirements.

SI C	MINIMUM PARKING SPACES		DU = Dwelling Unit
	SF = Square Feet ELS = Employee on Largest Shift		
Residential			
	Duplex, individual	2 space / DU	
	Duplexes, triplexes, quadruplexes, other multi unit family developments	2 spaces / DU	
Finance, insurance and real estate			
	All uses	1 space / ELS + 1 space / 400 SF	
Finance, insurance and real estate services Services			

(Ord. of 1-19-98, § VIII; Amend. of 3-5-12)

Sec. 21-181. Applicability.

All on premises signs of any size and off-premises signs one hundred (100) square feet and smaller, are exempt from the regulations in this article, unless expressly provided otherwise.

(Ord. of 12-3-01; Amend. of 10-4-10)

Sec. 21-213. Buffer requirements.

- (e) *Modification of planting types.* If it is demonstrated that existing vegetation meets the intent of this section, but the plant materials are not on the approved list, the zoning administrator may waive the requirements for the plant material. If a plant material is not on the approved list, the zoning administrator may determine whether it is acceptable.

(Ord. of 1-19-98, § X; Ord. of 4-20-98; Amend. of 11-2-09; Amend. of 9-6-11)

Sec. 21-273. Type and number of uses permitted in all zones.

The number of uses per zone lot shall be governed as follows:

- (2) *Secondary dwelling units.* Detached secondary units excluding two or more mobile manufactured homes are permitted provided the entire zone lot contains adequate area to meet the zone lot size requirements for each dwelling and all other requirements of this section are met.

Sec. 21-276. Skirting of manufactured homes.

- (a) *Generally.* All manufactured housing for which building permits are obtained after the effective date of this chapter shall be skirted. Manufactured homes requiring brick or finished masonry skirting as provided in subsection (c) below, issued building permits within one (1) year of the effective date of this chapter, shall complete the required masonry skirting within ninety (90) days of issuance of the certificate of occupancy by the building inspections department. Manufactured homes requiring brick or finished masonry underpinning, issued a building permit more than one (1) year after the effective date of this chapter shall complete the required underpinning prior to issuance of a certificate of occupancy. All skirting required by subsection (b) below shall be completed prior to issuance of a certificate of occupancy.
- (b) *Skirting of manufactured homes in the MHP district or a family manufactured home park.*
- (1) Skirting shall be of material acceptable for exterior construction that will not support combustion.
 - (2) Skirting material shall be durable and suitable for exterior exposures.

- (3) Any wood framing used to support this skirting shall be approved moisture resistant treated wood.
 - (4) Skirting shall be continuous and unpierced except for ventilation.
 - (5) Skirting manufactured specifically for underpinning shall be installed in accordance with the manufacturer's specifications.
 - (6) Notwithstanding other provisions of this section, manufactured homes in a MHP district may install masonry skirting as provided in this section ~~within ninety (90) days of issuance of the certificate of occupancy by the building inspections department.~~
- (c) *Skirting of manufactured homes outside the MHP district or a family ~~mobile~~ **manufactured** home park.*
- (1) Skirting shall consist of brick or finished masonry.
 - (2) Skirting shall be continuous and unpierced except for ventilation.
 - (3) Regular unfinished block may not be used for required skirting. However, split-face block may be used.
- (Ord. of 1-19-98, § XII; Ord. of 4-20-98)

Sec. 21-281. Temporary uses.

Temporary uses are allowed subject to the following requirements:

- (2) Other temporary uses not listed may be granted by the board of commissioners. In considering approval of a temporary use the board may attach ~~fair and~~ **and appropriate** conditions to ensure that the public health, safety and welfare are protected. The approval of a temporary use shall be in accordance with the following:
 - a. The proposed use will not endanger the public health, safety and welfare;
 - b. The proposed use will not have a substantial negative impact on the adjoining properties;
 - c. The use will be approved for a specific period of time, not to exceed two (2) years unless deemed necessary by the Board of Commissioners in accordance with Sec. 21-11. Extension of the temporary use beyond the approved time shall require approval of the board of commissioners in the same manner as the original.
- (3) Type I, II, and III manufactured homes with skirting as provided by section 21-276 may be approved for certain temporary use by the zoning administrator, contingent on a documented need. Temporary uses may be approved for:
 - a. A temporary residence during construction of a dwelling. Documentation shall be provided that the construction of the dwelling will commence and be completed within a reasonable time. In no situation shall this temporary use be granted for more than twenty-four (24) months.
 - b. As a temporary residence for a medical hardship. This use shall be allowed for the duration of the medical hardship.

When the situation resulting in the ~~conditional~~ **temporary** use no longer is needed, or the time period allowed expires, the subject manufactured home shall be removed or made a conforming use.

(Ord. of 1-19-98, § XII; Ord. of 2-1-99(1); Amend. of 3-7-05; Amend. of 9-6-11)

Sec. 21-284. Location of manufactured homes not provided in the table of uses.

This section provides specific exceptions for location of manufactured homes not otherwise provided by this chapter.

- ~~(5) Subdivisions. Location of Type II and Type III manufactured homes is allowed in subdivisions thirty (30) lots or larger created on or after June 8, 1999. The type of manufactured home allowed by district is as provided below:~~

- a. ~~RA District: Type II and Type III.~~
- b. ~~RR District: Type II.~~
- c. ~~CBI District: Type II and Type III.~~
- d. ~~MFR District: Type II and Type III.~~

(Ord. of 6-7-99)

Sec. 21-313. Zoning board of adjustment (ZBA).

- (a) *Authority.* As an appointed, quasijudicial body, the ZBA hears and decides appeals, ~~and variances,~~ **variance** requests, ~~and requests for interpretation from this chapter~~ as authorized by G.S. 153A-345 **and zoning map interpretations subject to section 21-334.**

(Ord. of 1-19-98, § XIII)

Sec. 21-314. Planning department.

- (a) *Duties and responsibilities.* The planning department serves as the lead agency for the overall administration of this article and serves as the primary professional staff of the planning and zoning board and board of adjustment.
 - (1) *Planning director.* The planning director performs the following duties:
 - f. Acts as executive secretary to the planning board ~~and zoning board of adjustment;~~

(Ord. of 1-19-98, § XIII; Ord. of 4-20-98; Ord. of 5-21-01(2); Ord. of 10-18-04; Amend. of 11-2-09)

Sec. 21-315. Hearing procedures for zoning map and text amendments, conditional use permits, ~~and variances,~~ appeals, and interpretations.

~~Notwithstanding other requirements of this article, these provisions outline the procedures to be followed whenever a public hearing on a zoning map or text amendment is required.~~

- (1) *Public notice.* ~~Except as provided in section 21-316, the~~ **The** following public notice requirements shall apply to all public, **courtesy, and quasi-judicial** hearings required by this chapter **as indicated below except as provided in section 21-316 and otherwise indicated herein** and with the exception of subsection a. shall apply to all **courtesy hearings:**
 - a. *Newspaper.* In accordance with G.S. 153A-323, zoning map and text amendments shall be advertised in a newspaper of general circulation in the county once a week for two (2) consecutive calendar weeks, with the first advertisement appearing ~~not less than~~ **at least** ten (10) days ~~nor but not~~ more than twenty-five (25) days prior to the public hearing date. In computing this advertising period, the date of publication shall not be included, but the day of the hearing shall be included. ~~Conditional use permit and variance requests require only one (1) advertisement within the specified time period.~~
 - b. *Mailed notice.* In addition to the newspaper notice required above, the administrator shall ~~when required and, in accordance with G.S. 153A-343,~~ provide mailed notice to the owner(s) of the subject property(s), **applicant,** and all property owners within one hundred (100) feet of the parcel(s) subject to the proposed action. **for the above referenced requests except only mailed notice to the applicant of a text amendment. The notice must be deposited in the mail at least ten (10) days but not more than twenty-five (25) days prior to the hearing date.** If, in the discretion of the administrator, the potential impact of the proposed action or the configuration of land parcels in the area warrants notification of additional property owners beyond this distance, such notice shall be provided. ~~The unintentional failure to give written notice of the unintentional omission of the name of a property owner shall not invalidate the~~

action of any board.

- c. *Signs on property.* In addition to the newspaper and mailed notice requirements, signs notifying the public of a scheduled public hearing for a proposed map amendment, conditional use permit or variance shall be posted more than at least ten (10) days but less not more than twenty-five (25) days before prior to the public hearing for the above referenced requests, except for text amendments and large scale rezoning as provided in section 21-316. The signs shall be prominently placed on or immediately adjacent to the subject property. When multiple contiguous parcels are included within a proposed zoning map amendment request, a posting on each individual parcel is not required, but the county shall post sufficient notices to provide reasonable notice to interested persons.

(2) *Conflict of interest.*

- a. *Zoning map and text amendments.* A member of the board of commissioners shall not vote on any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member. Members of appointed boards providing advice to the board of commissioners shall not vote on recommendations regarding any zoning map or text amendment where the outcome of the matter being considered is reasonably likely to have a direct, substantial and readily identifiable financial impact on the member.
- b. *Quasi-judicial.* A member of the board of adjustment or any other body exercising quasi-judicial functions shall not participate in or vote on any quasi-judicial matter in a manner that would violate affected persons' constitutional rights to an impartial decision maker. Impermissible conflicts violations of due process include, but are not limited to, a member having a fixed opinion prior to hearing the matter that is not susceptible to change, undisclosed ex parte communications, a close familial, business, or other associational relationship with an affected person, or a financial interest in the outcome of the matter. If an objection is raised to a member's participation and that member does not recuse himself or herself, the remaining members shall by majority vote rule on the objection.

Vacant positions on the board of commissioners and members who are disqualified from voting on a quasi-judicial matter shall not be considered members of the board for calculation of the requisite majority. The same is required of the board of adjustment hearings but only if there are no qualified alternates available to take the place of such members.

(3) *Conduct of hearing.* Quasi-judicial, public, and courtesy hearings shall be conducted in the following manner unless modified by the chairman of the respective board:

- a. Staff report;
- b. Applicant or petitioner comments;
- c. Public hearing opened;
- d. Public comment;
- e. Public hearing closed; and
- f. Action.

(4) Oath for quasi-judicial hearings. The chairman, any member acting as chairman, or clerk to the board is authorized to administer oaths to witnesses in any matter before the board. Any person who, while under oath during a proceeding before the Board of Commissioners or ZBA, willingly swears falsely is guilty of a Class I misdemeanor

(5) Subpoenas for quasi-judicial hearings. The Board of Commissioners and the ZBA through the chairman or anyone acting as chairman, may subpoena witnesses and compel the production of evidence. To request issuance of a subpoena, persons with standing

under G.S. 160A-393(d) may make a written request to the chairman explaining why it is necessary for certain witnesses or evidence to be compelled. The chairman shall issue requested subpoenas he or she determines to be relevant, reasonable in nature and scope, and not oppressive. The chairman shall rule on any motion to quash or modify a subpoena. Decisions regarding subpoenas made by the chairman may be appealed to the full board. If a person fails or refuses to obey a subpoena issued pursuant to this subsection, the board or party seeking the subpoena may apply to Superior Court for an order requiring that its subpoena be obeyed, and the court shall have jurisdiction to issue these orders after notice to all proper parties.

(4)(6) *Action.* Once a public / courtesy hearing is closed, the appropriate decision-making body shall take some form of action during the same meeting. Such action may include continuing the hearing to a later meeting. In cases where the planning board is not authorized to **make a recommendation, the board shall follow action procedures of Article XIV.** decide a matter, its findings and recommendations shall be forwarded to the board of commissioners for consideration. The board of commissioners may accept the recommendation, refer the issue back to the planning board for further study, or reject the recommendation.

In quasi-judicial decisions, the board shall determine contested facts and make its decision within a reasonable time. Every quasi-judicial decision shall be based upon competent, material, and substantial evidence in the record. Each quasi-judicial decision shall be reduced to writing and reflect the board's determination of contested facts and their application to the applicable standards. The written decision shall be signed by the chair or other duly authorized member of the board and is effective upon filing with the clerk to the Board of Commissioners.

(5)(7) *Vote.* For the planning board and board of commissioners, a **A** majority vote, **excluding vacant seats and disqualified members as indicated in subsection (2),** shall be sufficient for the purpose of taking any official action. **except that variance requests require** For the board of adjustment, however, a four-fifths (4/5) vote of its members, excluding vacant seats and disqualified members indicated in subsection 21-315(2), **is required to reverse any order, requirement, decision, or determination of an administrative officer, or grant a variance from the provisions of this chapter, or any other matter upon which the board is authorized to act by this article. Quasi-judicial decisions shall be delivered by personal delivery, electronic mail, or by first-class mail to the applicant, property owner, and to any person who has submitted a written request for a copy, prior to the date the decision becomes effective. The person required to provide notice shall certify that proper notice has been made.**

Each decision is subject to review by the superior court by proceedings in the nature of certiorari consistent with G.S. 160A-393. Any petition for review by superior court shall be filed within the clerk of superior court by the latter of thirty (30) days after the decision of the Board of Commissioners or ZBA is effective or after a written copy thereof is given. When first class mail is used to deliver notice, three (3) days shall be added to the time to file the petition.

(6)(8) *Omissions.* The unintentional failure to give written notice or the unintentional omission of the name of a property owner shall not invalidate the action of the planning board or board of commissioners.

(Ord. of 1-19-98, § XIII; Amend. of 2-20-06(1); Amend. of 11-2-09; Amend. of 10-4-10; Amend. of 3-5-12)

Sec. 21-331. Appeals.

Appeals of orders or decisions of the zoning administrator shall be conducted as follows:

- (1) *Notice of appeal.* **Any person who has standing under G.S. 160A-393 (d) or the county may appeal any** Any order or decision of any administrator of this chapter **may be appealed** to the zoning board of adjustment (ZBA) **by any aggrieved person.** An appeal is initiated by filing a written notice of appeal with the **particular administrator and the ZBA clerk to the Board of Commissioners,** which specifies the grounds for the appeal. A notice of appeal shall be considered filed when delivered to the zoning administrator in the

planning department. Planning staff **The clerk** shall note the date and time of receipt of the appeal.

- (2) **Time to appeal.** ~~An appeal must be initiated within thirty (30) days after the date of the decision or order.~~ **The property owner or his authorized agent shall have thirty (30) days from receipt of the written notice to file an appeal. Any other person with standing to appeal shall have thirty (30) days from receipt from any source of actual or constructive notice of the decision to file an appeal. It shall be conclusively presumed that all persons with standing to appeal have constructive notice of the decision from the date a sign containing the words "Zoning Decision" or "Subdivision Decision" in letters at least six inches high and identifying the means to contact an official for information about the decision is prominently posted on the property that is the subject of the decision, provided the sign remains on the property for at least ten (10) days. Posting of signs is not the only form of constructive notice. Any such posting shall be the responsibility of the landowner or applicant. Verification of the posting shall be provided to the official who made the decision.**
 - (3) **Stay of action.** An appeal stays all actions by the administrator seeking enforcement of or compliance with the order or decision, unless the administrator certifies to the ZBA that, because of the facts surrounding the situation, a stay would cause imminent peril to life or property **or because the violation is transitory in nature, a stay would seriously interfere with enforcement of the ordinance.** In that case, proceedings shall not be stayed except by ~~order of the ZBA or a court, issued on application of the party seeking the stay, after notice to the administrator.~~ **a restraining order, which may be granted by a court. If enforcement proceedings are not stayed, the appellant may file with the official a request for an expedited hearing of the appeal, and the ZBA shall meet to hear the appeal within fifteen (15) days after such a request is filed. The ZBA shall hear and decide all other appeals with a reasonable time. Notwithstanding the foregoing, appeals of decisions granting a permit or otherwise affirming that a proposed use of property is consistent with the ordinance shall not stay the further review of an application for permits or permissions to use such property; in these situations the appellant may request and the ZBA may grant a stay of a final decision of permit applications or building permits affected by the issue being appealed.**
 - (4) **Procedures.** The administrator who made the decision shall transmit to the ZBA all documents and exhibits constituting the record upon which the action appealed from are taken. The administrator shall also provide a copy of the record to the appellant and to the owner of the property that is the subject of the appeal if the appellant is not the owner. The administrator shall be present at the hearing as a witness. The appellant shall not be limited at the hearing to matters stated in the notice of appeal. If any party or the county would be unduly prejudiced by the presentation of matters not presented in the notice of appeal, the ZBA shall continue the hearing.
- When hearing an appeal pursuant to G.S. 160A-400.9(e) or any other appeal in the nature of certiorari, the hearing shall be based on the standards of this ordinance and the scope of review shall be as provided in G.S. 160A-393(k).**
- (4)(5) ZBA action.** **ZBA decisions shall include a statement of the specific reasons or findings of fact that support the motion consistent with section 21-315 (7).**~~The ZBA may reverse or affirm, wholly or in part, or may modify the order, requirement, decision, or determination appealed from, and shall make any order, requirement, decision, or determination that in its opinion should be made in the case before it. To this end, the board shall have all powers of the administrative officer from whom the appeal is taken.~~

(Ord. of 1-19-98, § XIV)

Sec. 21-332. Variances.

Requests for a variance from the requirements of this chapter shall be in accordance with the following criteria:

- (1) *Application for variance.* An application for a variance shall be submitted to the ZBA by filing a copy of the application with the administrator in the planning department. Public hearings for such applications shall be in conformance with the applicable provisions of Article XII.
- (2) *Variance criteria.* A variance may be granted by the ZBA if it concludes that strict enforcement of this chapter would result in ~~practical difficulties or~~ unnecessary hardships for the applicant. The ZBA, in granting a variance, shall ensure that the spirit of this chapter is maintained, public welfare and safety ensured, and substantial justice done. The board may reach these conclusions if it makes the following findings:
- a. ~~The applicant can make no reasonable use of the property if the provisions of this chapter are strictly followed.~~ **Unnecessary hardship would result from the strict application of the ordinance. It shall not be necessary to demonstrate that, in the absence of the variance, no reasonable use can be made of the property;**
 - b. ~~The hardship or difficulty is one suffered only by the applicant, not the neighbors or the general public;~~
 - c. ~~b.~~ **The hardship is caused by circumstances related to the applicant's land results from conditions that are peculiar to the property such as location, size, or topography. Hardships resulting from personal circumstances and / or conditions common to the neighborhood or general public may not be the basis for granting a variance;** ~~not his/her personal or financial situation;~~
 - d. ~~The hardship is not one shared by many surrounding properties;~~
 - e. ~~c.~~ **The hardship or difficulty is not the result of the property owner or applicant's own actions. The act of purchasing property with knowledge that circumstances exist that may justify the granting of a variance shall not be regarded as a self-created hardship; and**
 - d. **The requested variance is consistent with the spirit, purpose, and intent of the ordinance, such that public safety is secured and substantial justice is achieved;**
 - f. ~~e.~~ **The variance will not result in a land use otherwise not permitted in the applicable zoning district nor authorize the extension of a nonconforming situation in violation of article VI, or other applicable provisions of this chapter; and**
 - f. **If applicable, the setback reduction is no more than fifty (50) percent of that required and the resulting setback is no less than five (5) feet from any property line or right-of-way.**
- (3) *Approval.* Prior to granting a variance, the ZBA must vote affirmatively on all of the required findings listed in subsection (2). Each motion to make an affirmative finding shall set forth the specific reasons or findings of fact supporting such motion.
- (4) *Denial.* A motion to deny a variance request may be made on the basis that one (1) or more of the criteria are not satisfied. Such a motion shall include a statement of the specific reasons or findings of fact that support it. A reapplication for a denied variance may not be made within one (1) year of the original decision, unless substantial changes have occurred in the facts, evidence or conditions of the application, or property in question.
- (3) (5) *Conditions.* In granting variances, the ZBA may impose ~~reasonable~~ **appropriate** conditions, including a limitation on the duration of the variance, ~~to ensure that the property to which the variance applies will be as practicable with surrounding properties.~~ **provided they are reasonably related to the variance.** All such conditions are enforceable as any other applicable requirement of this article.

(Ord. of 1-19-98, § XIV)

~~Sec. 21-333. Variances from setback requirements.~~

When a proposed use for a lot, existing at the effective date of the ordinance, is one that could conform in all respects other than the applicable setback requirements, the ZBA may allow deviations from the setback if it can be found that:

- (1) The requested variance is the minimum necessary to allow the proposed use of the property;
- (2) The reduction of the setback is no more than fifty (50) percent of the required setback for the lot;
- (3) The resulting setback is no less than five (5) feet along any property line or right-of-way;
- (4) The deviations are necessitated by the size and shape of the conforming lot; and
- (5) The proposed development will not have significant adverse effects on the surrounding properties of health or safety of the general public.

(Ord. of 1-19-98, § XIV; Amend. of 10-4-10)

Sec. 21-~~334~~ **333**. Recordation of variances and conditions.

Sec. 21-~~335~~ **334**. Interpretations.

Sec. 21-~~336~~ **335**. Variance from watershed overlay.

~~Sec. 21-337. ZBA action.~~

Appeals of the actions of the ZBA shall be in accordance with the following criteria:

- (1) ~~Appeals.~~ A motion to reverse an appealed order, requirement, decision, or determination shall include a statement of the specific reasons or findings of facts that support the motion. If a motion to reverse is not made or fails to receive the four fifths (4/5) vote necessary for adoption, the decision of the zoning administrator stands.
- (2) ~~Variances.~~ A motion shall be made to grant a variance requested and considered in accordance with the provisions of this article. If the motion fails to receive a four fifths (4/5) majority of the board, the variance shall be denied.
- (3) ~~Approval.~~ Before granting a variance, the ZBA must vote affirmatively on all of the required findings listed in section 21-332 or 333 for setback variances. Each motion to make an affirmative finding shall set forth the specific reasons or findings of fact supporting such motion.
- (4) ~~Denial.~~ A motion to deny a variance request may be made on the basis that one (1) or more of the criteria are not satisfied. Such a motion shall include a statement of the specific reasons or findings of fact that support it. A reapplication for a denied variance may not be made within one (1) year of the original decision, unless substantial changes have occurred in the facts, evidence or conditions of the application or property in question.
- (5) ~~Hearing procedures.~~ Public hearings held by the ZBA shall be advertised and conducted in accordance with section 21-315.

~~Ord. of 1-19-98, § XIV; Ord. of 4-20-98; Amend. of 11-2-09~~

Sec. 21-~~338~~ **336**. Judicial review of ZBA decisions.

Each decision of the ZBA is subject to review by the superior court by proceedings in the nature of certiorari. Any petition for review by superior court shall be filed within thirty (30) days after the decision of the ZBA is filed in the offices of the county manager with the **clerk to the Board of Commissioners**.

(Ord. of 2-1-99(1); Amend. of 3-5-12)

Chapter 22: SUBDIVISION ORDINANCE

Article II. Administration

Sec. 22-30. Exceptions to the subdivision ordinance certification.

Sec. 22-31. Vested Rights.

Secs. 22-34 ~~32~~--22-50. Reserved.

Section 22-10. Other Definitions.

Plan, site specific development means a plan meeting the requirements of G.S. 153A-344.1, as amended, for approval of a vesting right under that statute.

Section 22-31. Vested Rights.

Pursuant to G.S. 153A-344.1, a vested right to undertake and complete the development and use of property under the documented terms, any associated conditions, and approved site plan(s) may be established subject to chapter 21 section 11 of the Zoning Ordinance.

Section 22-58. Planned Development Subdivision (PDS).

A Planned Development Subdivision may be composed of residential, commercial, industrial public and semi-public uses. A PDS may be a Planned Unit Development (PUD) or a Cluster Subdivision. To encourage innovative development, the normal subdivision regulations pertaining to ~~lot size, yard requirements and similar standards~~ **dimensional criteria from Article IV of the Zoning Ordinance and road standards from section 22-80** may be modified or exempted entirely, subject to approval of the total development plan by the ~~Planning Board~~ **of Commissioners**. Sound design of the plan for development, in keeping with good planning and engineering practices and with the general safety and welfare of the public, shall be considered in the approval of any PDS.

(a) PDS Concept Site Plan Submittal and Approval.

- (1) A site plan shall be submitted to the Subdivision Administrator for ~~Planning Board~~ **of Commissioners** approval of the general concept to be achieved by the proposed PDS.

(b) Submission Procedure For PDS Concept Site Plan.

The subdivider shall submit a PDS concept site plan, which shall be reviewed by the Subdivision Review Committee. The committee shall send their recommendations to the Subdivision Administrator to forward to the Planning Board **for review and a recommendation to the Board of Commissioners**.

(c) Review and Approval Procedures.

The Subdivision Administrator shall schedule a meeting of the Subdivision Review Committee within fourteen (14) days of submittal of a complete application. The committee shall recommend to the Subdivision Administrator, on a majority vote of the members present, to approve the plan, conditionally approve the plan with the recommended change with reason for the change(s) or disapprove the plan with reason within fifteen (15) days of the committee meeting at which the plan was discussed. If no recommendation is made by the committee within this time, the plan shall then be ~~placed on the next automatically transferred to the Planning Board~~ **agenda subject to the courtesy hearing notification requirements from chapter 21 section 315 (1) of the Zoning Ordinance for their review.**

~~The Subdivision Administrator shall place the application for the proposed development on the agenda for the next scheduled Planning Board meeting.~~

After receiving a recommendation from the Planning Board or after failure of the Planning Board to transmit a recommendation within thirty (30) days of first consideration, the ~~The Planning Board of Commissioners~~ **shall hold a public hearing on the proposed PDS application, subject to notification requirements from chapter 21 section 315 (1), to render one of the following decisions:** within forty-five (45) days of first being presented to the Board. Notice of the hearing shall be published in a newspaper of general circulation in Rowan County at least once a week for two (2) successive calendar weeks before the hearing. The initial notice shall appear not more than twenty-five (25) days nor less than ten (10) days before the hearing date. In comparing the ~~ten- to twenty-five-day period, the date of publication is not to be counted, but the date of the hearing is.~~

~~The Planning Board shall have forty-five (45) days from the hearing date at which the plan was reviewed to:~~

- (1) Approve the concept of the plan as submitted;
- (2) Approve the concept of the plan with modifications; **or**
- (3) Disapprove the concept of the plan with the reasons for disapproval given.

If not approved the applicant may resubmit a revised site plan within ninety (90) days with no additional filing fees required. The resubmitted site plan shall be reviewed in the same manner as a new application. At least one (1) copy of any disapproved plan along with the reason for disapproval shall be retained by the Subdivision Administrator as part of the County's official records. A copy of such reasons and any remaining copies of the plan shall also be transmitted to the subdivider.

If the PDS concept site plan is approved, it shall be indicated on the plan and two (2) copies shall be retained by the Subdivision Administrator as part of the County's official records. Any remaining copies of the approval plan shall be transmitted to the subdivider. If the plan is approved with modification, these modifications shall be noted in the minutes of the **Planning Board of Commissioners** and a written copy of the modifications shall be provided to the subdivider. An approved PDS concept site plan shall be valid for twenty-four (24) months after the approval date.

(d) *Supplementary Requirements for Cluster Subdivisions.*

Any PDS that is proposed as a cluster subdivision as defined in section 22-10 shall be subject to the following regulations and standards:

- (1) The subdivision is two (2) or more acres in total area including public and private right-of-ways, platted lots and permanent open space as provided in section 22-58(d)(3) **and contain at least four (4) dwelling units as indicated in chapter 21 section 60 (15) of the Zoning Ordinance.**
- (2) The total number of lots does not exceed the number that would result if the total area of the subdivision were divided by the minimum lot size for lots in subdivisions not subject to this section.
- (3) Land set aside within the subdivision and its maintenance as permanent open space is assured by restrictive covenants shall be placed on open space tracts to satisfaction of the **Planning Board of Commissioners**. The area of such open space shall not be less than the difference between the total area platted in the subdivision and the total area that would have been so platted if all lots were of the minimum lot size for lots in normal subdivisions not subject to this section.

(e) *Supplementary Requirements of Planned Unit Development (PUD).*

Any proposed PDS that is proposed as a Planned Unit Development (PUD) as defined in section 22-10 shall be subject to the following regulations and standards:

- (1) **The allowable number of dwelling units per acre shall conform to the density standards prescribed in chapter 21 section 84 of the Zoning Ordinance.**

Public Water Supply and Sewage Disposal Systems.

- (a) ~~Single family Dwellings--six (6) dwellings per gross acre.~~
- (b) ~~Two Family Units per Dwellings--eight (8) units per gross acre.~~
- (c) ~~Three or More Family Units per Dwelling--twelve (12) units per gross acre.~~
- (2) ~~Community or Multi-Connection Water Systems and Sewage Package Treatment Plant or Land Application (spray irrigation wastewater treatment and disposal) Treatment Systems.~~
 - (a) ~~Single Family Dwellings--five (5) dwellings per gross acre.~~
 - (b) ~~Two Family Units per Dwellings--seven (7) units per gross acre.~~
 - (c) ~~Three or more Family Units per Dwelling--ten (10) units per gross acre.~~
 - (d) When Land Application Treatment Systems are used for sewage treatment and disposal system, the land area required for the treatment and disposal shall not be included in determining the maximum gross density.

~~(3) Individual Private Water and Individual Private Septic Tank Systems.~~

~~(a) Single Family Dwellings--three (3) dwellings per gross acre.~~

~~(b) Two Family Units per Dwellings--four (4) units per gross acre.~~

~~(c) Three or More Family Units per Dwelling--Five (5) units per gross acre.~~

~~(4) Public Water Supply or Community Water Supply or Multi-Connection Water Supply Systems and other Sewage Treatment and Disposal System not including Public Sewer System, Sewage Package Treatment System, Land Application Treatment System or Individual Private Septic Tank System.~~

~~(a) Single Family Dwellings--four (4) dwellings per gross acre.~~

~~(b) Two Family Units per Dwellings--six (6) units per gross acre.~~

~~(c) Three or More Family Units per Dwelling--eight (8) units per gross acre.~~

~~(3) (5)~~ The maximum land area associated with any nonresidential structures, excluding surface parking, shall not exceed thirty (30) percent of the total land area associated with the nonresidential uses.

~~(4) (6)~~ Land area associated or required with one type of land use may not be used to compute acreage available for another type of land use. Land area shall not be counted twice in computing acreage available to each land use.

~~(5) (7)~~ Any proposed common open space in a PUD shall provide for the upkeep and maintenance under provisions of section 22-58(f).

(f) *Maintenance Requirements For Common Open Space.*

Other methods may be acceptable if the same positively provide for the proper and continuous payment of taxes and maintenance of the common open space. The instruments incorporating such provisions shall be submitted at the time of final plat submittal and shall be approved by the county attorney as to form and legal sufficiency, before submission to the **Planning Board of Commissioners** and shall be recorded at the office of Register of Deeds of Rowan County at the time of recordation of the final plat.

Section 22-80. Road Standards.

(b) *Private Roads.*

Private roads for a family subdivision, as defined in section 22-9, shall not be required to meet construction standards of NCDOT, instead the lot(s) created shall be provided ingress and egress via a twenty-foot easement or right-of-way (new or existing), which shall be shown on the final plat. Furthermore, family subdivisions may also occur in situations where prior minor subdivision approval was granted but not within a major subdivision. In addition, the street frontage requirements of section 22-79(a) "Lot Dimensions" shall not apply to these lots. For the purposes of determining other required setbacks, "street" and "street right-of-way" shall be interpreted to mean the twenty-foot exclusive easement. **The establishment or extension of a new easement or right-of-way shall not be prevented by the required setback of an existing structure if the Subdivision Administrator determines no other feasible options are available.**

Any family subdivision that cannot comply with the provisions of this subsection shall not be approved as a family subdivision and shall be approved and comply with the provisions of a minor or major subdivision.

(Ord. of 2-1-99(2); Ord. of 10-18-99(3); Amend. of 7-16-07(2); Amend. of 6-16-08; Amend. of 11-2-09; Amend. of 10-4-10)

Section 22-154. Amendments.

The standards of this ordinance may be amended **from time to time** in accordance with Article XIV, Section 21-361 of the **Rowan County** Zoning Ordinance.

(Amend. of 2-20-06(2))

5. DISCUSSION REGARDING A POSSIBLE UPDATE TO THE 1998 WATER AND WASTEWATER FEASIBILITY STUDY

In a memorandum to the Board, Commissioner Pierce reported that with the accelerated pace from the NC Department of Transportation (DOT) for the widening of I-85 from the China Grove exit to the four-lane section in Concord, and with the Old Beatty Ford Road bridge replacement schedule to start in 2015, he felt it was time to evaluate the strategy of improving the infrastructure in these areas for economic development.

Commissioner Pierce presented the Board with a copy of the conclusion and recommendations from the last Rowan County Water and Waste Water feasibility study, dated June of 1998. Commissioner Pierce stated that Phil Conrad, with the Metropolitan Planning Organization (MPO), had sent a disposition of the widening of I-85 as well as the Old Beatty Ford Bridge interchange, saying the process should begin in 2015 with the widening to start by 2018, or sooner depending on funding from the state.

Commissioner Pierce said one item holding up Rowan County's economic growth was the fact there was no water or sewer in the largest populated area of the County, the I-85 corridor going south. Commissioner Pierce stated that if money were to be spent widening the I-85 corridor, as well as the addition of a bridge at the Old Beatty Ford Road interchange, he felt there was a need to look at the feasibility of having water and sewer for that area for commercial and industrial development.

Commissioner Pierce moved to update the Water and Waste feasibility study to show the cost analysis and benefit for having water in that part of the county before the construction takes place. Chairman Sides seconded the motion.

Chairman Sides asked if the intent was to update the plan for the I-85 corridor and not the entire county and Commissioner Pierce agreed it was for the I-85 corridor.

Chairman Sides mentioned the county owned land along the I-85 corridor and said that without water and sewer development would not come. Chairman Sides said once I-85 opened up along with the retail development scheduled for Julian Road, the County should see some fantastic growth and he supported updating the plan for the corridor.

Commissioner Barber asked if there was an estimate as to what the cost would be to update the plan. Mr. Page responded there was no estimate at this time; however, he said there were several consultants that could be asked including the group who did the study in 1998. Mr. Page said he was in the process of doing the budget and the price for the study could be included.

Chairman Sides said the original study was fairly comprehensive in looking at water and sewer for the entire County but a lot had happened in the years since the study. Chairman Sides said some of the needed elements were already in the study and could possibly be used to update the plan.

Commissioner Mitchell said he did not have a problem getting an estimate of what the new plan would cost. Commissioner Mitchell felt the update should be relatively inexpensive if limited to the I-85 corridor. Commissioner Mitchell said he would like to see the potential cost prior to bidding out the plan.

Commissioner Mitchell said he was interested to see how a new plan would address a county-wide system and if it would break even with user fees.

Commissioner Mitchell said the County had worked reasonably well with the City of Salisbury for construction of the water supply provided by Salisbury.

Commissioner Mitchell said he would like to see if a different type of system would be of more benefit to the County.

Commissioner Barber questioned if this was just to get an update on the recommendation to continue in a joint partnership with the City of Salisbury for the I-85 corridor and not the whole County or to see if the County could take it on and do it without joining forces.

Commissioner Pierce stated he wanted to see the cost of putting the infrastructure in prior to or in conjunction with the widening of I-85 and in no way, shape, or form was it to find out if the County wanted to form its own water fund. Commissioner Pierce said that if the road was widened without putting the infrastructure in, the commercial and industrial development would not come down the corridor due to the need for water and sewer. Commissioner Pierce said now was the time to identify if there was a need to put in the water and sewer and how much it was to cost.

Commissioner Barber said the need for water and sewer was self evident as there would be no economic growth without development.

Commissioner Mitchell said the study would provide the cost while the widening occurred. Commissioner Mitchell stressed if the opportunity was missed the cost would obviously go up.

Commissioner Caskey felt the study should be the cost of redoing the whole plan if it were to be bid out versus just the I-85 corridor section.

Commissioner Mitchell said the study indicated that watershed protection rules made denser residential development impossible in some western portions of the County. If that were the case, Commissioner Mitchell said those areas would not need to be included in the study.

Commissioner Pierce said what was in the original study concerning the population densities of the western and northern portions of the county had not changed. Commissioner Pierce said his biggest concern was for the economic growth of the industrial and manufacturing capabilities that would grow on I-85 and to see what the cost would be to have the infrastructure put in during the construction phase of the road.

Commissioner Caskey said there could be some benefits to updating the entire plan, and not just a portion, if the additional cost was to be minimal. However; Commissioner Caskey said he did not have a problem with just the I-85 corridor update.

Upon being put to a vote, the motion on the floor passed unanimously.

6. CONSIDER APPROVAL OF BUDGET AMENDMENTS

Finance Director Leslie Heidrick presented the following budget amendments for the Board's consideration:

- Emergency Services – Receipt of funds for mitigation of hazardous materials spill on March 8, 2014 - \$144
- Finance – To budget NC Department of Public Safety – Hazardous Materials Emergency Planning Grant. Funds are made available through the US Department of Transportation (USDOT). Grant application was approved by the BOC January 6, 2014. The termination date is September 30, 2014 - \$10,000
- Health – Smart Start for Health Link has revised the budget. Need to correct to match the true budget per the Grant. The Grant supports training, supplies, etc. for the Health Link program - \$23,176
- Health – Smart Start for Health Link revised budget. Corrections to match the true budget per the Grant. This amendment is to reduce the contracted services for the Health Link program - \$4,000
- Health – Decrease in funding from the State for Immunization Program - \$14,737
- Health - Smart Start revised budget. Corrections to match the true budget per the Grant - \$13,140
- Finance – Recognize reserved funds from FY2013 for Parks to purchase gravel for Eagle Point. Reserves are monies received by a Department for a restricted purpose. The funds that are not spent at year-end are budgeted for expenditure in the new fiscal year - \$954
- Social Services – Addition funding received for CIP Direct Payments and CIP Admin. These authorizations posted after notice of the last reallocation. Requesting to increase the budgeted amounts in the expenditure and revenue line items. No County money required - \$30,609
- Sheriff's Office – Recognize funds in revenue accounts and budget funds to proper expense accounts - \$5,183
- Sheriff's Office – Recognize excess revenue funds and budget to proper expense accounts and transfer funds to deficient account - \$4,600

Commissioner Pierce moved approval of the budget amendments as presented. The motion was seconded by Commissioner Barber and passed unanimously.

7. CLOSED SESSION

Commissioner Pierce moved for the Board to enter into Closed Session at 6:52 p.m. in accordance with North Carolina General Statute § 143-318.11(a)(1) to consider approval of the minutes of the Closed Session held on April 7, 2014; North Carolina General Statute § 143-318-11(a)(6) to consider a personnel matter and North Carolina General Statute § 143-318-11(a)(3) for Attorney-Client Privileged Communication. The motion was seconded by Commissioner Barber and passed unanimously.

The Board returned to Open Session at 7:14 p.m.

ADJOURNMENT

There being no further business to come before the Board, Commissioner Pierce moved to adjourn at 7:15 p.m. The motion was seconded by Commissioner Barber and passed unanimously.

Respectfully Submitted,

Carolyn Barger, CMC, NCCCC
Clerk to the Board/
Assistant to the County Manager